

IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA
RAO

WRIT PETITION NO :13570 of 1998

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Dated: 26th June 2007.

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Between:

M.V.S.P.Ramdas Sarma, S/o Kondaiah, aged about 52
years, Paid Secretary, primary Agricultural Coop.Credit
Society, Anantavaram, Lolluru Mandalam, Tenali, Guntur
District.

..... PETITIONER

AND

Anantavaram Primary Agricultural Coop.Society Limited,
Anantavaram, rep. By D.Bapayya, person/Chairman,
Anantavaram, Tenali MMC and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA
RAO

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W.P.NO.13570 OF 1998

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ORAL ORDER:

This writ petition is instituted for declaring the order passed by the learned District Judge, Guntur, dated 04-03-1988, declining to entertain the appeal preferred by the writ petitioner on his file in terms of Section 50 of the Andhra Pradesh Shops and Establishments Act, 1988 (Act No.20 of 1988), as bad.

It will be relevant to point out that by operation of Section 79 of Act No.20 of 1988, the A.P. Shops and Establishments Act, 1966 (Act No.15 of 1966) has been repealed. Act No.20 of 1988 was, in fact, brought into force by the State Government through its notification contained in G.O.Ms.No.150, Womens's Development, Child Welfare and Labour Department, dated 27th October 1992. Therefore, the writ petitioner has been prosecuting his remedies before a wrong forum. Section 50 of Act No.20 of 1988 authorises the State Government, by notification, to appoint an authority to hear and decide claims relating to and arising out of deductions from the wages or delay in payment of the wages or service compensation payable under this Act to the employees in any establishment in the specified area. Therefore, the State Government had to notify the agency or forum and confer upon such agency or forum

the power to adjudicate the claims so made and the appellate authority has also to be notified accordingly to exercise the power available under Section 53 of Act No.20 of 1988.

In this view of the above legal position, it is only appropriate for the writ petitioner to agitate his claim before the forum so constituted under Sections 50 or 53 of Act No.20 of 1988, as the case may be, and the time consumed by his prosecuting the claim before the inappropriate /wrong forum will be appropriately dealt with for the purposes of condonation.

With these observations the writ petition has been disposed of. No costs.

Nooty Ramamohana Rao, J

Note:

Issue copy in three days.

(bo)

mrk

26th June 2007.